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RPP/PG/PTC 15 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Confirmation No.: 6969
Del Soldato *et al.* Group Art Unit: Unknown
Application Serial No.: 10/522,986 Examiner: Unassigned
Filed: February 2, 2005 Attorney Docket No.: 026220-00061
For: Process for Preparing Nitrooxyalkyl Substituted Esters of Carboxylic Acids,
Intermediates Useful in Said Process and Preparation Thereof

September 15, 2005

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PETITION UNDER 37 C.F.R. §1.47(a)

RECEIVED

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

31 JAN 2006

Legal Staff
International Division

Sir:

Pursuant to 37 C.F.R §1.47(a), the applicants respectfully petition the U.S. Patent and Trademark Office to accept the Oath/Declaration submitted herewith containing the signature of inventors Giancarlo SANTUS and Francesca BENEDINI. The signature of Piero DEL SOLDATO is missing as he refuses to join the application (Piero DEL SOLDATO is a non-signing inventor). Pursuant to 37 C.F.R. §1.47(a) and M.P.E.P. §409.03, the applicants include:

- 1) an affidavit by Italian attorney Maria Teresa Noro indicating that she sent the entire application (specification, claims, and drawings) along with a declaration to inventor Del Soldato, and his counsel Mr. Fabrizio Conte (the stamp and signature at the bottom of the duplicate copy of the letter indicate that Mr. Fabrizio Conte received both letters), twice requesting his signature on the declaration. On neither occasion did inventor Del Soldato return the signed declaration nor did he ever indicate that he was willing to participate in this application. Indeed, inventor Del Soldato's conduct clearly indicates that he does not intend to join this application;

- 2) letters sent by Attorney Teresa Noro with English translations thereof;
- 3) copies of postal receipts; and
- 4) Affidavit of Accuracy of translation

The applicants also include the Notification of Missing Requirements mailed August 8, 2005, and a check for \$195.00. The check includes \$130.00, the petition fee under 37 C.F.R. §1.17(h) and \$65.00, the surcharge for the late oath/declaration.

The last known address of inventor Piero DEL SOLDATO is:

Via Enrico Toti 22
Monza, MI 20052
ITALY

The applicants respectfully submit that they have made a *bona fide* attempt to comply with the provisions of 37 C.F.R. §1.47(a). The applicants respectfully request the Office of Petitions grant this petition and forward the file to the Office of Initial Patent Examination (OIPE) for further processing.

If any questions or issues remain, the Office of Petitions is respectfully requested to contact the undersigned to help with their resolution. The Commissioner is authorized to charge any additional fees required or credit any over-payments to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00061.

Respectfully submitted,

ARENT FOX PLLC



Gautam Prakash, Ph.D.

Registration No.: 53,481

Direct Telephone No.: 202-857-6057

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130.00 DP

Customer No.: **004372**

1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Telephone No.: 202-857-6000
Facsimile No.: 202-857-6395

/GP